



December 12, 2011

Michael Morisy, C/O
MuckRock News
DEPT MR 956
PO Box 55819
Boston MA 02205-5819

Dear Mr. Morisy:

This is in response to your Freedom of Information Act request of December 11, 2011 which was received in this office on December 12, 2011. Your request has been assigned reference number RD-DC 36931.

We forwarded your request for FBI files transferred under request 1174882-000 relating to Rev. Fred Shuttlesworth to the appropriate NARA office for further action.

The National Archives and Record Administration has limited authority to release national security or other sensitive information. Pursuant to 5 USC 552(a)(6)(B)(iii)(III), if you have requested information that is classified, it will be necessary to send copies of the documents to appropriate agencies for further review. If the records are unclassified, but we determine that there are other sensitivities, such as personal privacy, NARA will conduct the review of the file.

You asked for a waiver of the fees normally charged for providing researchers with copies of archival records. The FOIA's fee and fee waiver provisions, however, do not apply to archival records. The FOIA states in the section on fees "Nothing in this subparagraph shall supersede fees chargeable under a statute specifically providing for setting the level of fees for particular types of records". (5 U.S.C. 552 (a)(4)(vi)). The fee statute, 44 U.S.C. 2116(c), does apply. It does not authorize NARA to waive reproduction charges for individual requesters.

Our inability to grant you the requested fee waiver does not constitute a denial for the purposes of the FOIA. If you believe this to be a denial, you may appeal by writing within 35 days of receipt of this letter to the Deputy Archivist of the United States, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001 and explain why you think our fee waiver denial does not meet the requirements of the FOIA. Please note on your request and the envelope that this is a Freedom of Information Act Appeal.

Please advise us of any change of address that may occur during the time that it takes to

complete your case. To contact us regarding a change in your contact information or for information regarding your case, we can be reached by e-mail specialaccess_foia@nara.gov or you can call our FOIA customer service number at (301) 837-3190. You may also write to us at the address above, room 6350. In the event any correspondence to you from this office is returned as undeliverable, no forwarding address, we will presume you are no longer interested in pursuing the case and the case will be closed.

We will notify you as soon as the review of all parties is complete.

Sincerely,



THOMAS HAUGHTON
Archives Specialist
Special Access and FOIA Staff